

December 12, 2016

West Des Moines City Council Proceedings
Monday, December 12, 2016

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, December 12, 2016 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, J. Sandager, K. Trevillyan, and R. Trimble.

On Item 1. Agenda. It was moved by Trimble, second by Messerschmidt approve the agenda as presented.

Vote 16-510: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports

Jeff Dumermuth, Chief of Emergency Medical and Communication Services, introduced Westcom Dispatchers Joann Chadwick, Brian Albright, Alicia Scott, and Dispatch Supervisor Aubyn Giampolo, who were then presented with letters of commendation for the professionalism they demonstrated when handling calls regarding the killing of Urbandale Police Officer Justin Martin and Des Moines Police Sergeant Tony Beminio on November 2, 2016.

Council member Sandager reported he attended a meeting of the Development and Planning Subcommittee, where discussion was held on a request to allow metal carports in single-family residential areas, parking requirements for indoor self-storage, a proposed amendment to the Premiere Shoppes PUD, and temporary roadways for emergency access to Mill Ridge Plat 2.

Council member Trevillyan reported he will hold a public meeting on Saturday, December 17 to discuss possible uses for the Phenix Elementary School property.

Council member Messerschmidt reported the Public Services Subcommittee met and discussed proposed changes to the ordinance regarding the maintenance of trees in the right-of-way and the installation of a fence along 22nd Street near Fairmeadows Park, where a significant slope remained following the completion of a storm sewer improvements project in that area. He also noted South 50th Street has re-opened today, after substantial completion of the South 50th Street Widening project.

On Item 4. Consent Agenda.

It was moved by Messerschmidt, second by Sandager to approve the consent agenda as presented.

- a. Approval of Minutes of November 28, 2016 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. LLK Inc. d/b/a Funny Bone Comedy Club & Restaurant, 560 South Prairie View Drive, Suite 100 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
 - 2. Lovely Food Mart, Inc. d/b/a Indian Grocery, 6630 Mills Civic Parkway, Suite 3110 - Class BC Permit with Sunday Sales - Renewal
 - 3. J.P. Parking Inc. d/b/a J.P. Parking Inc., 6220 Raccoon River Drive - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
 - 4. Occasions Catering, LLC d/b/a Occasions Catering, 7929 Ashworth Road - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
 - 5. The Tangerine Food Company d/b/a The Tangerine Food Company, 1960 Grand Avenue, Suite #21 - Class LC Liquor License with Sunday Sales and Catering Privileges - Renewal
 - 6. 205 Corporation d/b/a The Tavern, 205 5th Street - Class LC Liquor License with Sunday Sales - Renewal
 - 7. 205 Corporation d/b/a The Tavern Pizza Pasta Grill, 1755 50th Street - Class LC Liquor License with Sunday Sales - Renewal
 - 8. Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #565, 1220 Grand Avenue, Suite 101 - Class BC Beer Permit with Sunday Sales - Renewal
- d. Approval of Lane Closures for Special Events:
 - 1. Production/Filming of "Play By Play", December 19, 2016
 - 2. Lutheran Church of Hope Christmas Eve Services
- e. Approval of Reappointments - Human Rights Commission
- f. Approval to Sell Surplus City Equipment
- g. Acknowledgement and Acceptance of Disclosure - Steven K. Gaer
- h. Approval of Amendment to Property Tax Rebate Program
- i. Approval of 2017 City Council Meeting Schedule
- j. Approval and/or Ratification of Specific Fees and Charges - 2016-17 FY
- k. Approval of 28E Agreement - Fire/Rescue Emergency Medical Service Mutual Aid
- l. Order Construction:
 - 1. 2016 Intake Repair Program
 - 2. Quail Park Channel Repair
 - 3. Valley View Aquatic Center and Holiday Park Aquatic Center Pool Improvements
- m. Accept Work - Jordan Creek Parkway and University Avenue Intersection Improvements, Phase 1
- n. Acceptance of Public Improvements:
 - 1. Christ's Church Subdivision, Lot 1 (Sanitary Sewer)
 - 2. South 88th Street and Coachlight Drive Improvements

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- o. Approval and Acceptance of Non-Interference Agreements - 1725 98th Street and 1755 59th Place
- p. Approval and Acceptance of Purchase Agreement and Property Interests - Grand Avenue West Segment 6F Sewer Project

Vote 16-511: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(a) Amendment to City Code - Title 9 (Zoning) - Regulate Indoor Self-Storage in Commercial Districts, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Messerschmidt to consider the second reading of the ordinance.

Vote 16-512: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the second reading of the ordinance.

Vote 16-513: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Messerschmidt to waive the third reading and adopt the ordinance in final form.

Vote 16-514: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(b) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 1 (Official Traffic Controls) - Jordan Creek Parkway and 850 ft. south of EP True Parkway, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Messerschmidt to consider the second reading of the ordinance.

Vote 16-515: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

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It was moved by Trevillyan, second by Messerschmidt to approve the second reading of the ordinance.

Vote 16-516: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Messerschmidt to waive the third reading and adopt the ordinance in final form.

Vote 16-517: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider 2480, 2580, 2640, and 2720 SE 11th Street - Change the Land Use and Zoning Designation of Part of the Properties from Medium Density Residential to Single Family Residential Estate, initiated by Margaret Munro. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 25, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with three members absent, the Plan and Zoning Commission recommended City Council approval of the comprehensive plan amendment and rezoning request, and two correspondences were received and included with the council communication.

Mayor Gaer asked if there were any public comments.

Margaret Munro, 2480 SE 11th Street, reported when she purchased her property it was zoned RE-1A, but her property was later rezoned to RM-8 unbeknownst to her, as the rezoning notice that was distributed at the time did not specifically state that her property was included in the proposed rezoning. She is now requesting that her property be rezoned back to its original classification of RE-1A, and she is also requesting that rezoning fees be waived

Mayor Gaer asked if there were any additional public comments; hearing none he declared the public hearing closed.

Lynne Twedt, Director of Development Services, responded to questions from the Council, stating the proposed rezoning to a lower-density classification would create a buffer requirement for the property to the east owned by Mr. Paulsen, which will remain the higher-density classification of RM-8. She stated the City Code does have a requirement that if a property is rezoned so that it creates a buffer requirement, then that property being rezoned shall bear the responsibility for the buffer; however there is an exemption when the properties are undeveloped, such as in this case. She noted staff intends to review this ordinance to determine if that exemption should be removed. She also stated when Mr. Paulsen's property develops, the City Council at that time would have the option to waive the buffer requirement.

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Council member Trimble expressed support to approve the rezoning request, waive the rezoning fee, and add a condition to the rezoning that there would be no buffer requirement on Mr. Paulsen's property when it develops.

Ms. Twedt stated the buffer requirement would also be triggered on the property to the south of Mr. Paulsen and questioned whether this buffer was also to be waived.

The Council indicated that the waiver of the buffer would apply to both properties.

It was moved by Trimble, second by Trevillyan to adopt Resolution - Approval of Comprehensive Plan Land Use Map Amendment, and to approve the waiver of the fee for the rezoning request and the waiver of the buffer requirement for the properties to the east.

Vote 16-518: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trimble, second by Trevillyan to consider the first reading of the ordinance.

Vote 16-519: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Trevillyan to approve the first reading of the ordinance.

Vote 16-520: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Mills Crossing, 5901 Mills Civic Parkway - Amend Specific Plan to Include Site Amenities, initiated by Hurd Mills, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on November 25, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with three members absent, the Plan and Zoning Commission recommended City Council approval of the specific plan amendment.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Messerschmidt to consider the first reading of the ordinance.

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Vote 16-521: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Messerschmidt to approve the first reading of the ordinance.

Vote 16-522: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Mayor Gaer stated, due to a potential conflict of interest related to Item 6(c), Mayor Pro tem Sandager will preside over this portion of the meeting.

On Item 6(c) Mayor Pro tem Sandager indicated this was the time and place for a public hearing to consider Country Club Office Plaza West Plat 8, 1080 Jordan Creek Parkway - Vacation of Two Public Sanitary Sewer Easements, initiated by Dallas County Partners. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 2, 2016 in the Des Moines Register. Mayor Pro tem Sandager asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Pro tem Sandager asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Vacation of Easements.

Vote 16-523: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Mayor Gaer resumed presiding over the meeting.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks, and Alleys), Section 8D (Official Street Name Map) - Change the Roadway Name of that approx. 2000 ft. Diagonal Section of Booneville Road Located approx. 250 ft. north of Grand Avenue to South 88th Street, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 2, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

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It was moved by Trevillyan, second by Messerschmidt to consider the first reading of the ordinance.

Vote 16-524: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the first reading of the ordinance.

Vote 16-525: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(e) Agreement for Private Development, initiated by Raccoon River Land Company, LLC

It was moved by Trimble, second by Sandager to adopt Motion - Continue Public Hearing to December 27, 2016.

Vote 16-526: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider South 60th Street Improvements, Phase 2, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 2, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Concrete Technologies, Inc.

The Mayor and Council held discussion on the challenges associated with getting utility companies to relocate their utilities in a timely fashion for street projects such as this one, and staff was asked to establish this issue as a legislative priority with the City's lobbyist.

Vote 16-527: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

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On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider 9th Street Storm Sewer Rehabilitation, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 2, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Hydratech Field Services, LLC.

Vote 16-528: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Avenue Siphon Replacement Project, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 2, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to J & K Contracting, LLC.

Vote 16-529: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Mayor Gaer stated, due to a potential conflict of interest related to Items 7(a) and 7(b), Mayor Pro tem Sandager will preside over this portion of the meeting.

On Item 7(a) Country Club Office Plaza West Plat 8, 1080 Jordan Creek Parkway - Replat Outlot B, Country Club Office Plaza West from an Outlot to a Buildable Lot and Include a Portion of Lot 1, Country Club Office Plaza West Plat 3, initiated by Dallas County Partners

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

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Vote 16-530: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Westfield Office Building, 1080 Jordan Creek Parkway - Phased Site Plan
Approval for Footings and Foundations, initiated by Dallas County Partners

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Phased
Site Plan for Footings and Foundations, subject to the applicant complying with all applicable
City Code requirements and the conditions of approval listed in the Resolution.

Vote 16-531: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Mayor Gaer resumed presiding over the meeting.

On Item 7(c) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 10 (Trees
and Shrubs), Section 7 (General Standards) - Maintenance of City Owned Trees in City Right-of-
Way, initiated by the City of West Des Moines

It was moved by Sandager, second by Trevillyan to consider the first reading of the ordinance.

Vote 16-532: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the first reading of the
ordinance.

Vote 16-533: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8(a) Fox Valley, generally north of SE Fox Valley Drive and approx. 900 ft. west of SE
Beaverbrook Trail - Rezone Property from Medium Density Residential to Single Family
Residential - Charles I. and Ruth Colby National Development Trust - Referred to Plan and
Zoning

On Item 8(b) Lonnie Williams Resignation - Human Services Advisory Board - Received and
Filed

On Item 9 - Other Matters

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Council member Trevillyan reported he attended a meeting of the DART Commission, where a copy of the proposed budget was distributed.

The meeting was adjourned at 6:31 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor